

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	August 20, 2007
Docket Number:	0708-VS-024
Appellant:	Drew Colvin
Property Address:	2335 211 th Street
Variance of Standard Request:	<i>WC 16.04.030, B5</i> Minimum Road Frontage AG-SF1 District

EXHIBITS

- | | |
|--------------------------------------|------------|
| 1. Staff Report | 08/20/2007 |
| 2. Aerial Location Map | 08/20/2007 |
| 3. Property Card | 08/02/2007 |
| 4. Appellant's Application and Plans | 07/16/2007 |

RELATED CASES

None

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the minimum road frontage requirement from 250 feet to approximately 130 feet in the AG-SF1 District (*WC 16.04.030, B5*). Specifically, this request is for a new lot (herein referred to as the "subject property") that would be subdivided from an existing lot (herein referred to as the "parent property").

PROPERTY INFORMATION

The parent property is currently approximately 13.93 acres in size and has approximately 380 feet of road frontage (see Exhibit 3). It abuts the southern side of the 211th Street right-of-way and is approximately 1,300 feet east of the Lamong Road right-of-way. The parent property is zoned AG-SF1. Currently, it is being used as a single-family residence.

Property on all sides of the parent property is also zoned AG-SF1. The parent property is bounded on the north, west and south by agricultural uses. The parent property is bounded on the east by a large-lot, rural residential use. The parent property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

There are no variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the parent property.

ANALYSIS

After the subdivision of the parent property, the subject property would be approximately 4 acres in size and would have approximately 130 feet of road frontage. Depending on the configuration of a structure, a building could be located on the subject site and comply with all applicable zoning standards. The remainder of the parent property would be approximately 9.93 acres in size and would have approximately 250 feet of road frontage. The existing structures would comply with all applicable zoning standards.

The submitted application indicates that the parent property would be subdivided in order to meet the terms of a third-party financial lender – the lender will not provide a loan for property that is more than ten (10) acres in size. The submitted application also indicates that after the property is subdivided and after the transaction of the property occurs, the two (2) newly created properties will be reassembled into a single property. Further, the submitted plans do not indicate a new proposed access point or a new proposed structure on the subject property.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the “Rural Northwest and Northeast” component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is possible that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of the 250 foot minimum road frontage requirement in the AG-SF1 District is to maintain a rural character by creating large, rural residential lots. Paramount to achieving the goal of rural character is to protect and maintain a sense of openness and space along the community’s rural corridors. Public health and safety would not be compromised because 130 feet of road frontage affords adequate space for site access in the event of an emergency. However, by reducing the road frontage of the subject property by almost half the required amount, the community’s goals and preferences towards maintaining rural character and growth patterns could be jeopardized.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: Relief from the minimum road frontage standard could affect the use and value of adjacent properties in a substantially adverse manner because the character of the area could be substantially altered by allowing a higher density of residential structures than is currently allowed and intended by the zoning ordinance. The intent of rural openness could be jeopardized if the subject property were created, thus changing the character of the area. However, the loss of openness could be jeopardized only if a structure were built on the subject property. If the subject property remains vacant, it is unlikely that the character of the area would change, thus having negligible impact on the use and value of adjacent properties.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The submitted application indicates that the reason for seeking the requested variance of standard is in order to finance the purchase of some of the parent property. The submitted application indicates that the appellant's client can only obtain a loan for no more than ten (10) acres of property. The terms of the zoning ordinance have not created a practical difficulty in the use of the subject property; rather, the terms of the financial institution have established a limit of financial risk that they are willing to assume with a specific individual(s). The parent property exceeds the limits of the financial institution's terms. This variance of standard request is not created by the terms of the zoning ordinance but is a result of financial limitations placed on an individual by a non-regulatory third-party.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

IF the Board approves this variance of standard request, the following conditions would be appropriate:

1. That no vehicular access/driveway on the subject property be permitted to encroach on the 211th Street right-of-way; and,
2. That no permanent structures be constructed on the subject property.

KMT

Aerial Location Map

2335 211th Street



EXHIBIT 3**co.HAMILTON.in.us**

Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-16-00-00-003.103**Property Data**

Parcel Location	2335 211TH ST W,SHERIDAN
Taxing Unit	Washington
Legal Description	4/11/86 355-261 AUD 9/1/89 FR RIGGS 8919171-72
Section/Township/Range	S16 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	13.93
Effective Frontage	
Effective Depth	
Property Class	Cash Grain/General Farm

Exterior Features and Out Buildings

1 Attached Garage, 1 Barn, 3 Utility Shed,
1 Enclosed Frame Porch, 1 Open Frame Porch,

Property Owner as of April 30, 2007

Millikan, Brad & Pamela K

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	46200
Assessed Value: Improvements	148900
Total Assessed Value:	195100

Building 1, Card ID R01**Physical Characteristics**

Story Height	2.0
Attic	none
Basement	none
Crawl	none
Year Built	1990

Floor Construction

1.0 (first)	Slab
2.0 (second)	Sub and joists

Floor Finish

1.0 (first)	Carpet, Vinyl tile
2.0 (second)	Carpet, Carpet

Exterior Cover

1.0 (first)	Wood siding
2.0 (second)	Wood siding

Interior Finish

1.0 (first)	Drywall
2.0 (second)	Drywall

Accommodations

Finished Rooms	5
Bedrooms	2

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	NO

Plumbing

Full Baths	1
Partial Baths	0

Fireplace

Fireplace Stacks	YES
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
1.0 (first)	1472	1472
2.0 (second)	720	720

Garage

Garage Type	Framed
Garage Square Footage	288

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EXHIBIT 4



TOWN OF WESTFIELD, INDIANA

Petition Number:

Date of Filing:

0708-VS-024

07/16/07

Application for VARIANCE OF DEVELOPMENT STANDARD

Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name ~~Brad Millikan~~ Drew Colvin
Address 529 Iron Bridge Rd, Cicero, IN 46034
Telephone Number _____
E-Mail Address _____
2. Landowner's Name Brad Millikan
Address 2335 211th St.
Westfield, IN
Telephone Number 317-440-0873
3. *Representative _____
*Address _____
*Telephone Number _____
*Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
2335 211th St.

5. Legal description of property (list below or attach)
4/11/86 355-261 AVO 9/1/89 FR BIGGS
8919171-72

6. Complete description of the nature of the development standard variance applied for:
WC 16.04.030, B5 Minimum Lot frontage on road

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- Lot(s) shape and dimensions;
- Location and dimensions of existing and proposed structures;
- Location and dimensions of existing and proposed points of ingress and egress; and
- All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

New parcel will not change in it's current use. Will still be used as agriculture, and once the purchase of the property is complete parcel will be reconnected back to it's current state (attached to adjacent parcel)

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:


The area adjacent to the property included in the variance will continue to be residential/agriculture and will only be affected in it's size.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property: *adjacent to property involved in the variance.*

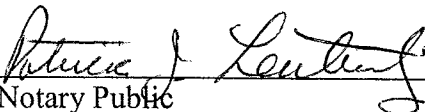
The practical difficulty of the zoning ordinance will be specifically for the ability of the property to be purchased by a client who can only get a loan that has a stipulation that will not allow more than ten acres to be purchased with that loan. Current owner will then lease option the property with in question back to buyer and then combine both properties back to one. The property with the zoning ordinance will have a deed restriction in order stating that it can not be built on.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant

SUBSCRIBED AND SWORN TO ME THIS 16th DAY OF July, 2007.

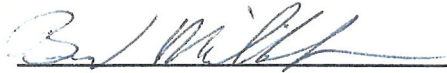

Notary Public

My commission expires: 3/13/08

July 17, 2007

To whom it may concern:

I, Brad Millikan, give Drew Colvin permission to file a variance, and handle any of the procedures related to this filing, on the property I own of 2335 211st W., Sheridan, In 46069.



Signature

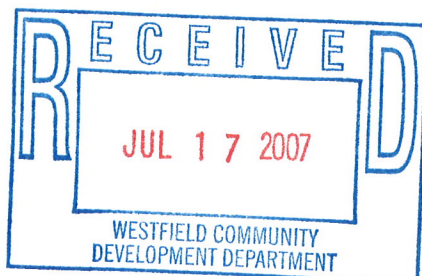
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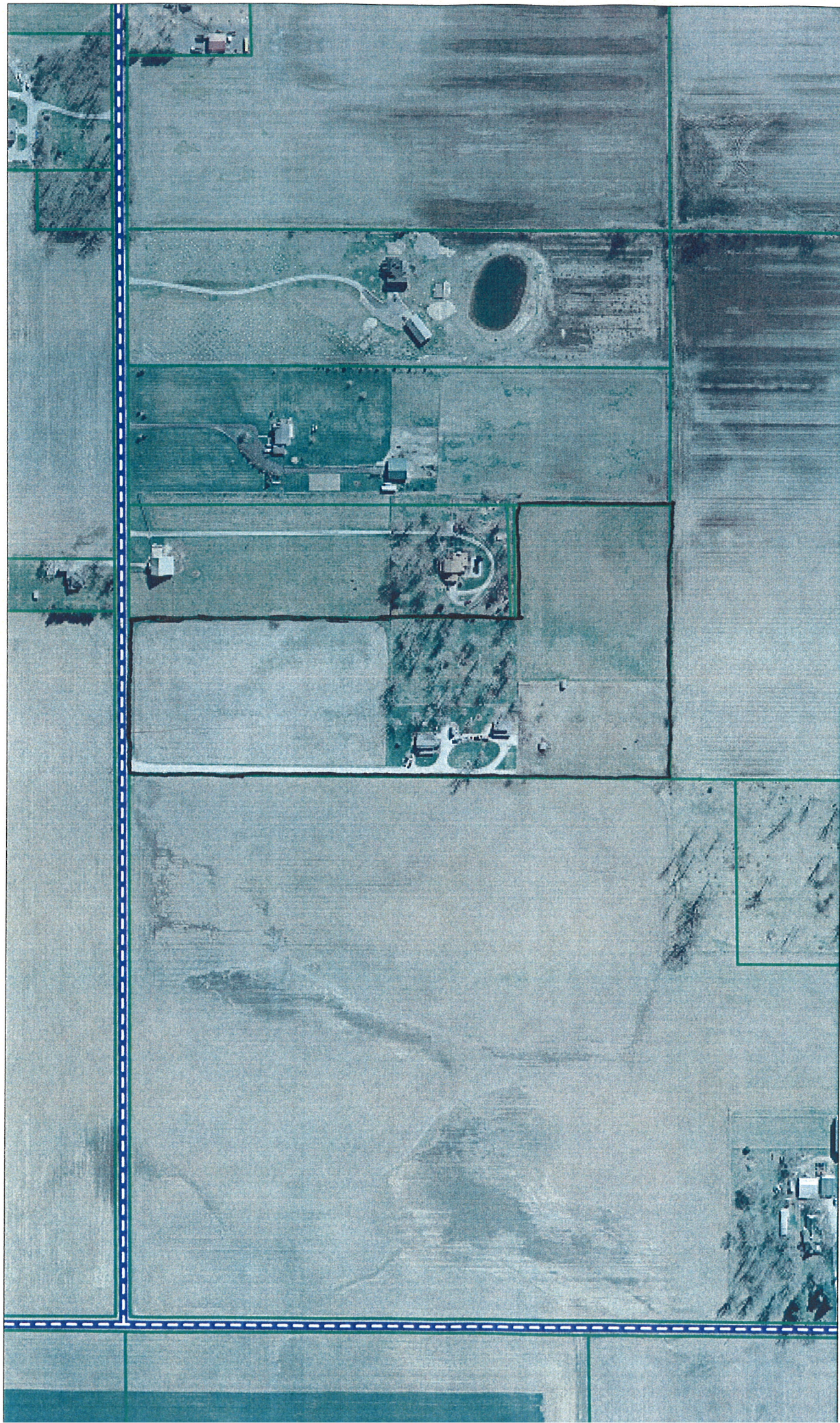
Date

Witness my hand and Notarial Seal, this 17th day of July, 2007.

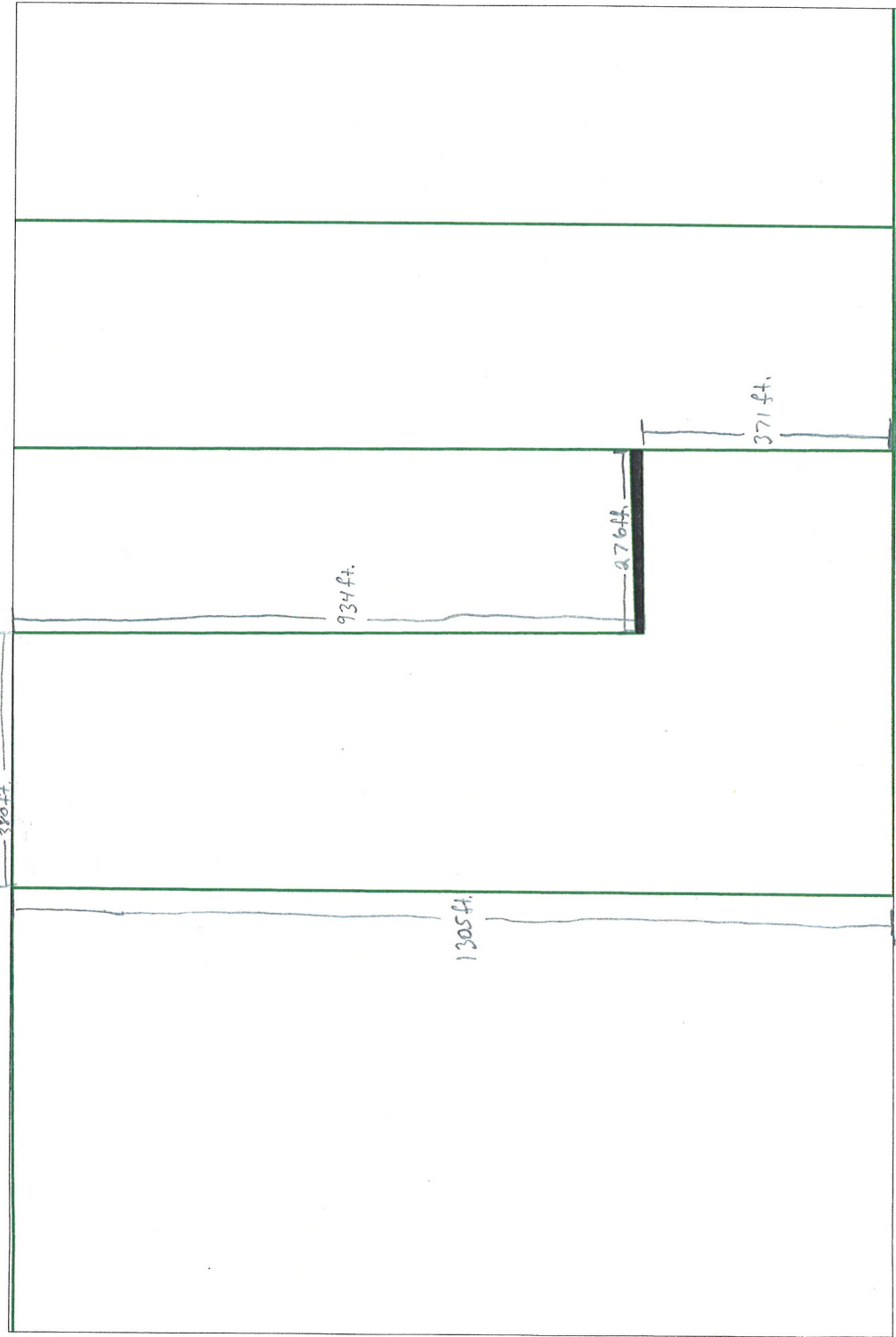
Printed: AMANDA M. Oprea Notary Public Amanda M. Oprea

My commission expires: 9/16/11 My county of residence: Hamilton



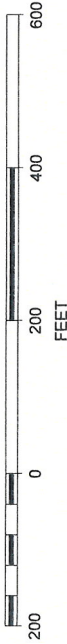


2335 211th St.

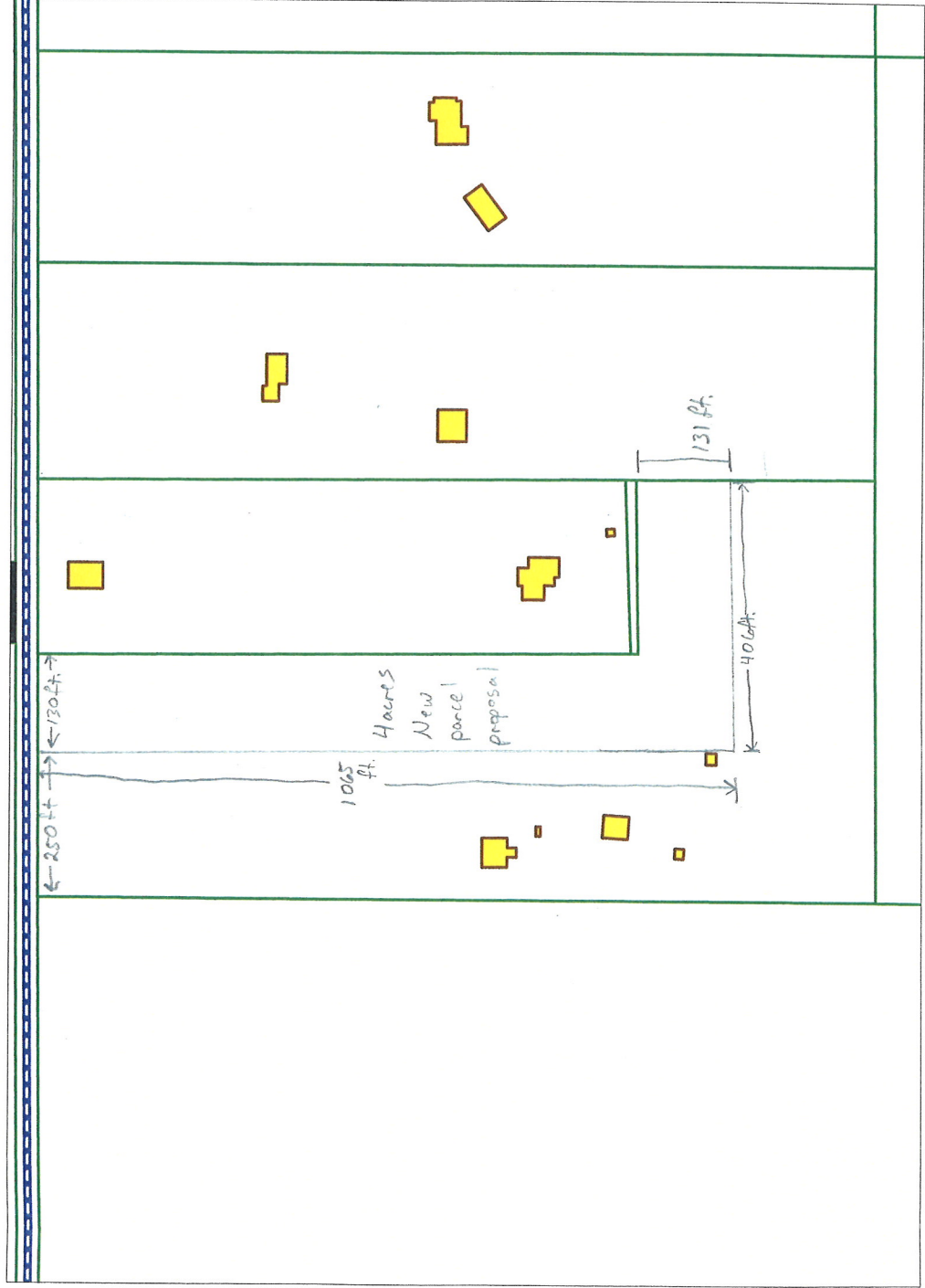


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SCALE 1 : 2,365



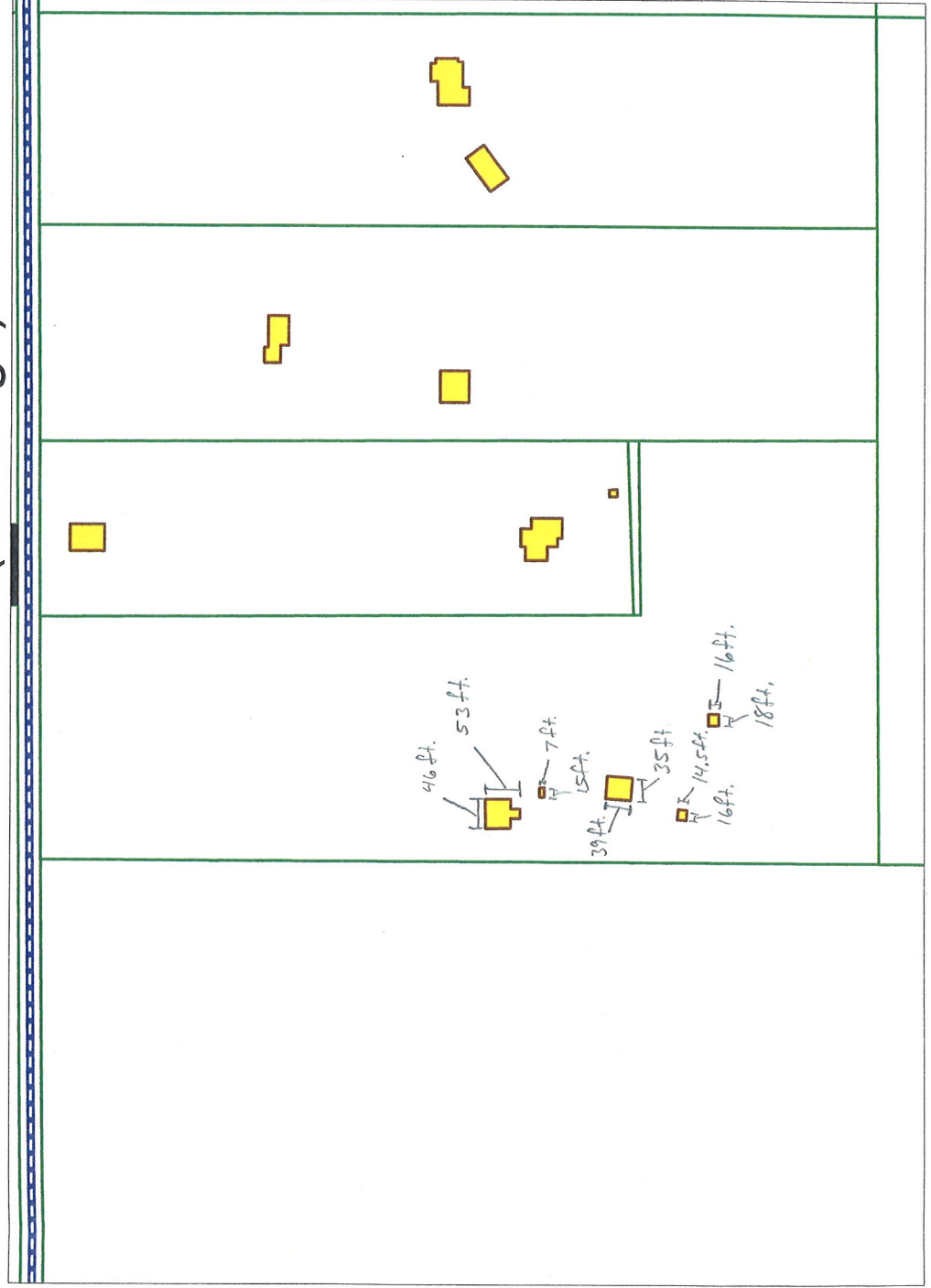
2335 211th St.



SCALE 1 : 2,572



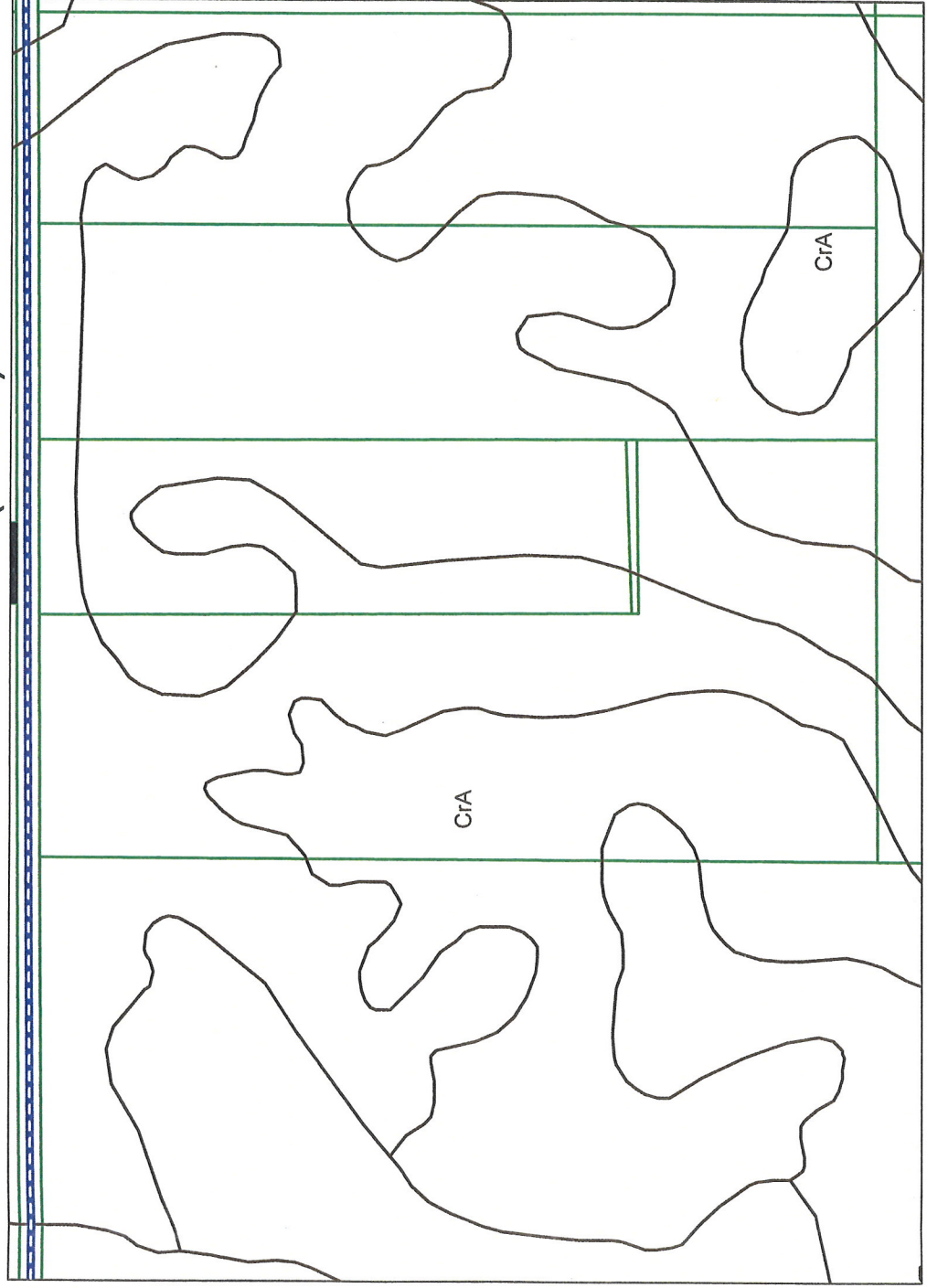
2335 211th St. (Buildings)



SCALE 1 : 2.577



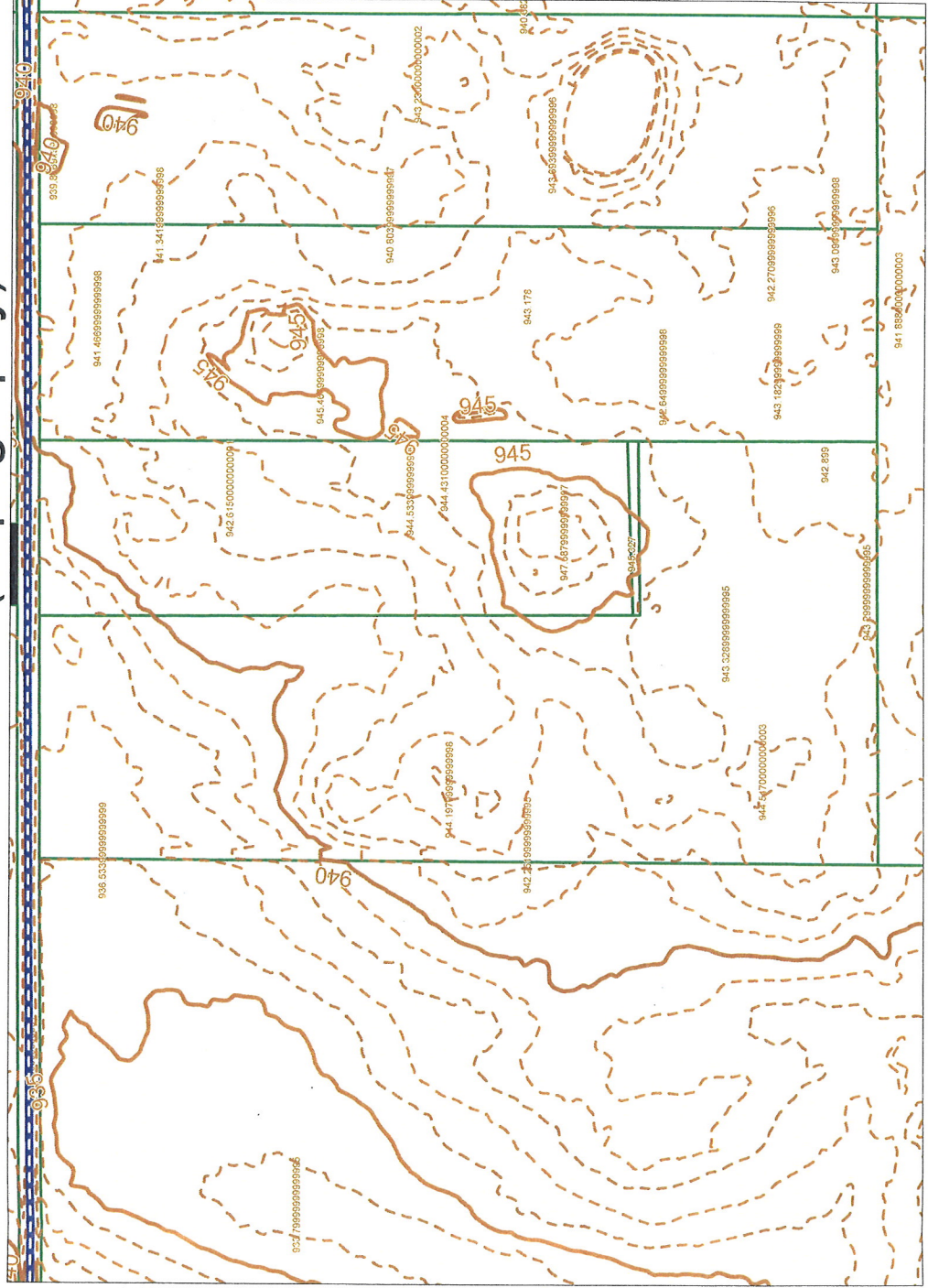
2335 211th St. (Soils)



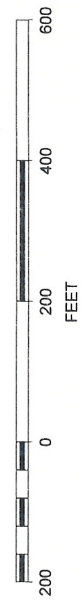
SCALE 1 : 2,577



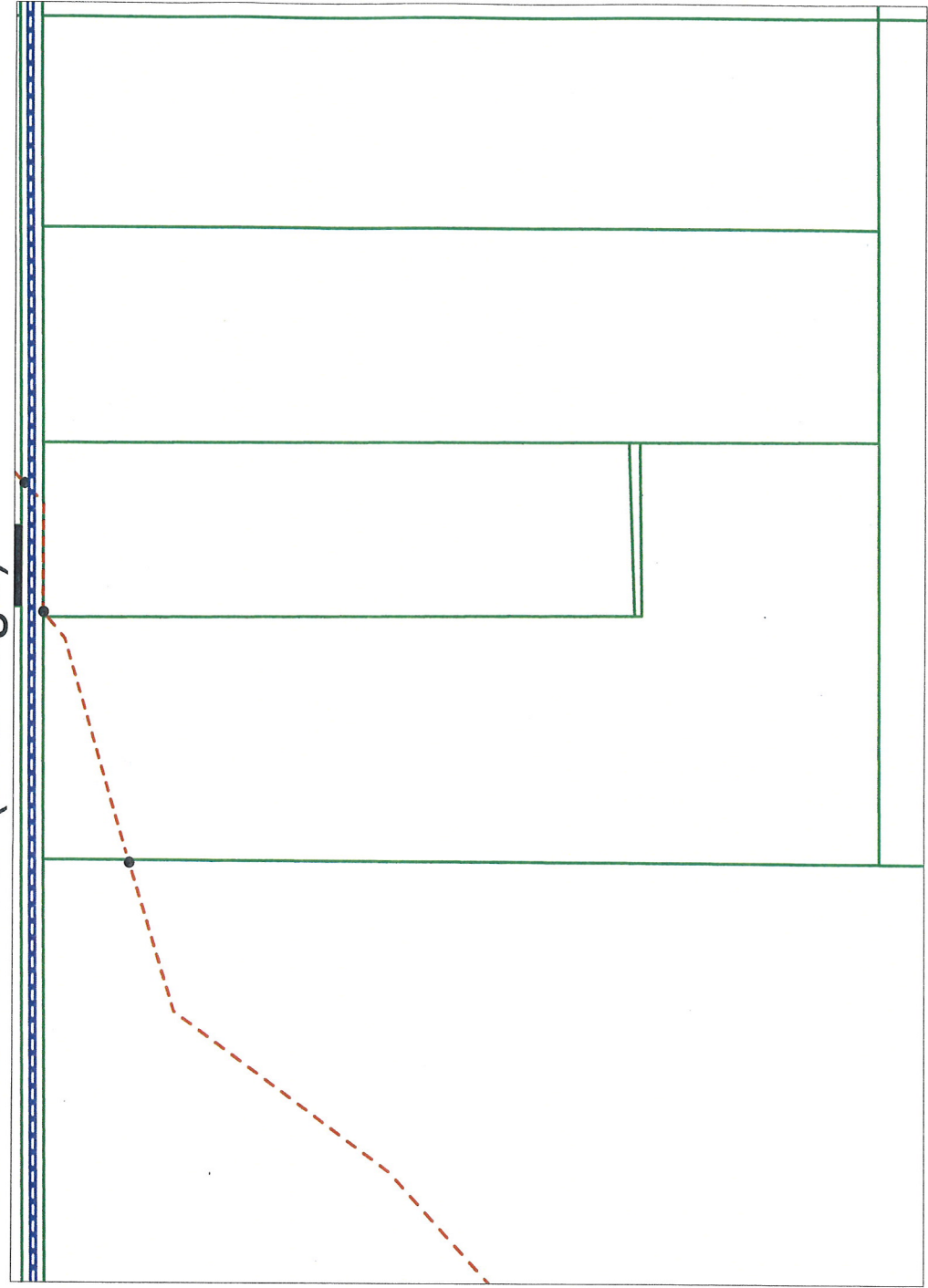
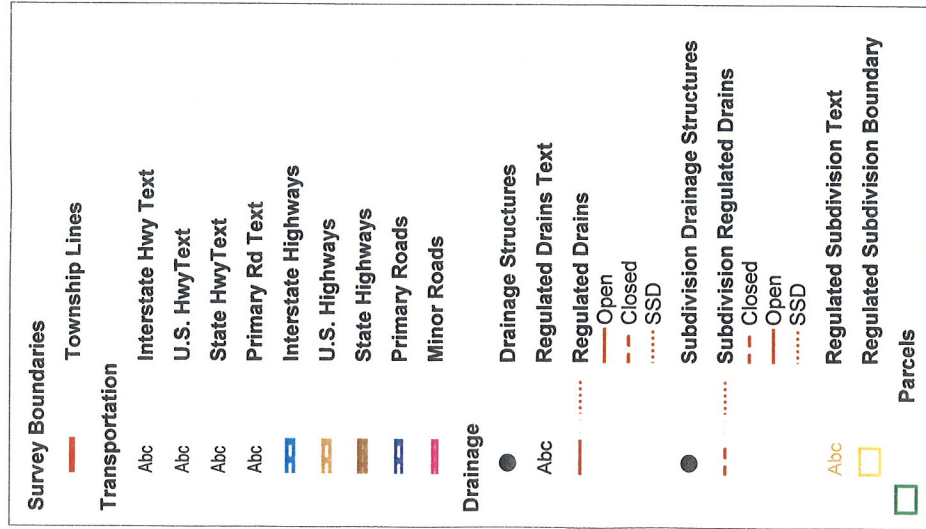
2335 211th St. (Topography)



SCALE 1 : 2,577



2335 211th St. (Drainage)



SCALE 1 : 2,577

